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IN THE

Supreme Court of the United States

No. 835

REPUBLIC OF IRAQ,

Petitioner,

v.

FIRST NATIONAL CITY BANK, as Administrator of the Goods, Chattels, and Credits of His Majesty King Faisal II Ibn Ghazi Ibn Faisal I of Iraq, Deceased.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

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IN THE

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REPUBLIC OF IRAQ,

Petitioner,

against

FIRST NATIONAL CITY BANK, as Administrator of the Goods, Chattels, and Credits of His Majesty King Faisal II Ibn Ghazi Ibn Faisal I of Iraq, Deceased.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

Petitioner respectfully prays for a writ of certiorari to the United States Court of Appeals for the Second Circuit to review a judgment of that Court entered November 8, 1965, which affirmed a judgment of the United States District Court for the Southern District of New York entered April 15, 1965, dismissing the complaint.

Opinions Below.

The opinion of the District Court is reported at 241 F. Supp. 567 (R. Vol. I, p. 3a).

The opinion of the Court of Appeals is not yet reported (App. A, p. A-1).

Jurisdiction.

The judgment of the Court of Appeals was entered November 8, 1965 (R. Vol. II, p. 79a). The jurisdiction of this Court is invoked under 28 USC 1254 (1).

Question Presented.

Whether a court of the United States may review a decree of a recognized foreign government confiscating personal property here of a former king, because his wealth was unlawfully acquired, when the decree in effect is one which removes the privilege of the former king to transmit personal property upon death, which transmission as to the personal property here is governed by the law, and is a purely internal matter, of the foreign government.

Statement.*

King Faisal II was sovereign of Iraq until July 14, 1958. On that day a revolution occurred and the Republic of Iraq was proclaimed. King Faisal II was killed during the revolt.

On July 19, 1958, the Republic of Iraq issued Ordinance No. 23 (R. Vol. I, p. 7a) confiscating the property of the Iraqi ex-Dynasty as its wealth had been wrongfully acquired.

King Faisal II was about 23 years of age at the time of his death. He was the son of King Ghazi Ibn ("Ibn" meaning son of) King Faisal I, and a grandson of King Faisal I of Iraq.

On August 2, 1958, the Republic of Iraq was recognized by the United States.

During the year before his overthrow, King Faisal II opened an account at the Irving Trust Company, New York City, and transferred from Iraq various sums, and at the time of his death had a balance of $55,925.

In June, 1957, King Faisal II transferred from Iraq to Guaranty Trust Company, New York City, the sum of

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* The facts stated are in the opinion of the Court of Appeals (App. A, p. A-2).

$60,000 to purchase, in his name in Canada, 4,008 shares of Canada General Fund, Ltd., which shares were transferred to a custody account in the King's name at the Irving Trust Company.

On October 8, 1958, the First National City Bank, or its predecessor, having no assets or connection with the deceased, had itself appointed administrator of the Estate of King Faisal II by the Surrogate's Court, New York County. About October 8, 1958, the Republic of Iraq notified the Irving Trust Company, as well as the First National City Bank, that the Republic of Iraq had issued Ordinance No. 23 claiming the right to all assets of the former Royal Family and requesting that such property be turned over to the Republic.

Despite the notice, during December, 1958, Irving Trust Company turned over the aforesaid property to the First National City Bank as administrator. On January 8, 1959, the administrator sold the shares of Canada General Fund, Ltd. for $56,793.36. On January 8, 1959, the First National City Bank had on hand property for the account of the Estate of King Faisal II of $112,944.61.

This action was commenced on December 9, 1962 in the Southern District of New York to recover the value of the assets of the late King Faisal II.

The jurisdiction of the District Court was invoked on the grounds of diversity and a Federal question.

The Court of Appeals, in affirming dismissal of the complaint, held that Ordinance No. 23 of the Republic of Iraq was not entitled to extraterritorial enforcement as the enforcement of decrees of confiscation is contrary to the policy of the United States.